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LEXIS DISTRICT OF COLUMBIA CODE ANNOTATED

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*** Current through September 19, 2012, and through D.C. Act 19-448 ***

*** Annotations current through November 23, 2012 ***

DIVISION I. GOVERNMENT OF DISTRICT
TITLE 1. GOVERNMENT ORGANIZATION
CHAPTER 11A. DISTRICT OF COLUMBIA BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
SUBCHAPTER II. ETHICS ACT
PART C . CONFLICTS OF INTEREST

GO TO DISTRICT OF COLUMBIA CODE ARCHIVE DIRECTORY

D.C. Code § 1-1162.23 (2012)

§ 1-1162.23. Conflicts of interest [Applicable when contingency met]

(a) No employee shall use his or her official position or title, or personally and substantially participate, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, or attempt to influence the outcome of a particular matter, in a manner that the employee knows is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

(b) An employee other than an elected official may seek a waiver, and the prohibition in subsection (a) of this section shall not apply, if the employee:

(1) Advises the employee's supervisor and the Ethics Board of the nature and circumstances of the particular matter;

(2) Makes full disclosure of the financial interest; and

(3) Receives in advance a written determination made by both the supervisor and the Ethics Board that:

(A) The interest is not so substantial as to be deemed likely to affect the integrity of the services that the government may expect from the employee; or

(B) Another legally cognizable basis for waiver exists.

(c) (1) Any elected official who, in the discharge of the elected official's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall make full disclosure of the financial interest, prepare a written statement describing the matter and the nature of the potential conflict of interest, and deliver the statement to:

(A) In the case of a member of the Council, the Council Chairman; or

(B) In the case of an elected official other than a member of the Council, the Ethics Board.

(2) Any employee other than an elected official who, in the discharge of the employee's official duties, would be required to act in any matter prohibited under subsection (a) of this section shall:

(A) Make full disclosure of the financial interest;

(B) Prepare a written statement describing the matter and the nature of the potential conflict of interest; and

(C) Deliver the statement to the employee's supervisor and to the Ethics Board.

(3) During a proceeding in which an elected official would be required to take action in any matter that is prohibited under subsection (a) of this section, the Chairman shall:

(A) Read the statement provided in paragraph (1) of this subsection into the record of proceedings; and

(B) Excuse the elected official from votes, deliberations, and other actions on the matter.

(4) No Councilmember excused from votes, deliberations, or other actions on a matter shall in any way participate in or attempt to influence the outcome of the particular matter, in a manner that is likely to have a direct and predictable effect on the employee's financial interests or the financial interests of a person closely affiliated with the employee.

(5) Upon receipt of the statement provided in paragraph (2) of this subsection, the employee's supervisor shall assign the matter to another employee who does not have a potential conflict of interest.

(d) (1) An employee shall not receive any compensation, salary, or contribution to salary, gratuity, or any other thing of value from a source other than the District government for the employee's performance of official duties.

(2) No employee or member of the employee's household may knowingly acquire:

(A) Stocks, bonds, commodities, real estate, or other property, whether held individually or jointly, the acquisition of which could unduly influence or give the appearance of unduly influencing the employee in the conduct of his or her official duties and responsibilities; or

(B) An interest in a business or commercial enterprise that is related directly to the employee's official duties, or which might otherwise be involved in an official action taken or recommended by the employee, or which is related to matters over which the employee could wield any influence, official or otherwise.

HISTORY: Apr. 27, 2012, D.C. Law 19-124, § 223, 59 DCR 1862.

NOTES: SECTION REFERENCES. --This section is referenced in § 1-1162.28 and § 1-1164.01.

EMERGENCY LEGISLATION. --For temporary amendment of D.C. Law 19-124, § 601(b), see § 2(b) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Clarification Emergency Amendment Act of 2012 (D.C. Act 19-371, May 16, 2012, 19 DCR 5711).

LEGISLATIVE HISTORY OF LAW 19-124. --See note to § 1-1161.01.

EDITOR'S NOTES. --Section 601(b) of D.C. Law 19-124 provided that this section shall apply as of April 27, 2012, except that the delivery of statements required by subsection (c)(2)(C) shall be delivered to the Elections Board until October 1, 2012.

Section 601(m) of D.C. Law 19-124 [codified as § 1-1164.01(m)] provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.